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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 FEDERAL TRADE COMMISSION

12 Plaintiff,

13 v.

14 SUPERIOR SERVICING LLC, a limited liability
company; and

15 DENNISE MERDJANIAN, aka Dennise Correa,
16 individually and as managing member of
SUPERIOR SERVICING LLC,

17 Defendants.
18

Case No. 24-cv-2163-GMN-MDC

**PLAINTIFF FTC’S MOTION FOR
LEAVE TO AMEND COMPLAINT**

19 Plaintiff, Federal Trade Commission (“FTC”), respectfully moves this Court for leave to
20 file a First Amended Complaint for Permanent Injunction, Monetary Judgment, and Other Relief
21 (“Amended Complaint”), pursuant to FED. R. CIV. P. 15(a)(2) and LR 15-1, and in support states
22 as follows:

1 1. This case concerns the defendants’ deceptive marketing of student loan debt relief
2 services in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the Telemarketing Sales
3 Rule, 16 C.F.R. Part 310, Section 521 of the Gramm-Leach-Bliley Act, 15. U.S.C. § 6821, and
4 the FTC’s Trade Regulation Rule on Impersonation of Government and Businesses, 16 C.F.R.
5 Part 461. The FTC seeks leave to file an Amended Complaint to ensure that the individuals and
6 entities involved in running the illegal scheme are held responsible.

7 2. In the interest of justice, the FTC seeks to amend its complaint to name five
8 additional corporate entities and two additional individuals as defendants, all of which have been
9 involved in the same illegal operation alleged in the FTC’s initial complaint (ECF No. 1). The
10 FTC seeks to add the corporate entities Sunrise Solutions USA LLC, Alumni Advantage LLC,
11 Student Processing Center Group LLC, SPCTWO LLC, and Accredited LLC (collectively
12 “Corporate Entities”), and individuals Eric Caldwell (“Caldwell”) and David Hernandez
13 (“Hernandez”).

14 3. On November 18, 2024, the FTC filed its complaint (ECF No. 1) against one
15 Corporate Defendant, Superior Servicing LLC, and one Individual Defendant, Dennise
16 Merdjanian, for operating a deceptive student loan debt relief scheme.

17 4. On November 22, 2024, this Court issued an *Ex Parte* Temporary Restraining
18 Order (ECF No. 9) against the defendants which, in part, halted defendants’ illegal practices,
19 ordered an asset freeze, appointed a Receiver, and granted the Receiver and FTC immediate
20 access to the defendants’ business premises to preserve assets and evidence.

21 5. On December 19, 2024, this Court issued a Preliminary Injunction as to defendant
22 Dennise Merdjanian (ECF No. 42) (“Merdjanian Preliminary Injunction”), which, in part,
23

1 extended the Court's appointment of the Receiver and named several entities as Receivership
2 Entities based on the findings of the Receiver.

3 6. Each of the five additional Corporate Entities the FTC seeks to name as
4 defendants were identified as Receivership Entities in the Court's Merdjanian Preliminary
5 Injunction (ECF No. 42). Each has engaged in the same illegal conduct alleged in the initial
6 complaint. *See* First Interim Report of Receiver Krista Freitag (ECF No. 23) at 13-14
7 (identifying the Corporate Entities as "part of a student loan debt relief enterprise of affiliated
8 entities owned and controlled by Caldwell, Hernandez and Merdjanian").

9 7. Each of the two additional individuals, Caldwell and Hernandez, that FTC seeks
10 to name have formulated, directed, controlled, had the authority to control, or participated in the
11 acts and practices of each Corporate Entity and Superior Servicing LLC, including the acts and
12 practices described in the initial complaint. *See id.*

13 8. Rule 15(a)(2) of the Federal Rules of Civil Procedure permits amendments and
14 provides that the "court should freely give leave when justice so requires." *See* FED. R. CIV. P.
15 15(a)(2); *see also Circus Circus LV, LP v. AIG Specialty Ins. Co.*, 525 F. Supp. 3d 1269, 1278
16 (D. Nev. 2021). "Five factors are taken into account to assess the propriety of a motion for leave
17 to amend: bad faith, undue delay, prejudice to the opposing party, futility of amendment, and
18 whether the plaintiff has previously amended the complaint." *Woodburn v. City of Henderson*,
19 No. 2:19-cv-01488-JAD-VCF, 2021 U.S. Dist. LEXIS 116299, at *2 (D. Nev. June 21, 2021)
20 (quoting *Johnson v. Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004)).

21 9. Justice requires that each of the individuals and entities responsible for the
22 violations alleged in the initial complaint are subject to the injunctive, monetary, and other relief
23

1 sought by the FTC. The individuals involved in this enterprise used a series of shell companies
2 the perpetuate their scheme, evade accountability, and funnel consumers' money into their
3 pockets. The inclusion of Caldwell and Hernandez will ensure that the responsible parties are
4 prevented from reinitiating their illegal conduct through a new entity. The inclusion of the
5 Corporate Entities, Caldwell, and Hernandez will increase the FTC's ability to return money to
6 harmed consumers.

7 10. The FTC brings this motion in good faith and without undue delay. The FTC did
8 not name the additional defendants in its initial complaint because it was unable to ascertain their
9 involvement—a result of their efforts to evade accountability. *See* First Interim Report of
10 Receiver Krista Freitag (ECF No. 23) at 12-13 (describing apparent efforts to “create the
11 appearance of separation” between the individuals and the enterprise). However, with the
12 evidence collected under the provisions of the Court's Temporary Restraining Order and
13 Preliminary Injunctions, the FTC now has the evidence necessary to clearly establish the
14 involvement of each defendant in the scheme.

15 11. The addition of new Corporate Entities, Caldwell, and Hernandez at this early
16 stage of litigation, before significant briefing or discovery has commenced, will not prejudice the
17 defendants named in the initial complaint.

18 12. The filing of an Amended Complaint is also proper as it is unlikely to be futile.
19 Ample evidence gathered following the Court's Temporary Restraining Order supports the
20 FTC's allegations against all defendants. Further, the Court has already found that the FTC is
21 likely to prevail on its claims based on its entry of the Preliminary Injunctions. Moreover, the
22

1 Court specifically identified the Corporate Entities as proper receivership entities in the
2 Merdjanian Preliminary Injunction.

3 13. Finally, granting leave is appropriate because the FTC has not previously
4 amended its complaint and does not anticipate amending its complaint again.

5 For the foregoing reasons, the FTC respectfully requests that the Court grant it leave to
6 file the attached First Amended Complaint for Permanent Injunction, Monetary Judgment, and
7 Other Relief.

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10 Dated: February 27, 2025

Respectfully submitted,

/s/ John R. O’Gorman
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CERTIFICATE OF SERVICE

I, John R. O’Gorman, hereby certify that I effected service on all parties by electronically filing the foregoing with the Court using CM/ECF.

Dated: February 27, 2025

/s/ John R. O’Gorman
JOHN R. O’GORMAN
Attorney for Plaintiff
Federal Trade Commission